



Federal Register

**Monday,
May 14, 2001**

Part XVI

Department of Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS
AFFAIRS

38 CFR Ch. I

Unified Agenda of Federal Regulatory
and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning April 2001. The

purpose in publishing the Department's regulatory agenda is to allow all interested persons the opportunity to participate in VA's regulatory planning.

ADDRESSES: Interested persons are invited to comment on the entries listed in the agenda by contacting the individual agency contact listed for each entry or by writing to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Gloria Armstrong at (202) 273-8605.

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 "Regulatory Planning and Review" (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that VA will have under development or review.

Thomas O. Gessel,

Director, Office of Regulations Management.

Department of Veterans Affairs—Prerule Stage

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3033	Medication Prescribing Authority	2900-AK05
3034	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort; Regional Office Committee on Waiver and Compromises	2900-AK10

Department of Veterans Affairs—Proposed Rule Stage

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3035	Medical Care and Treatment for Which VA Will Not Seek Reimbursement	2900-AJ20
3036	Clothing Allowance	2900-AJ21
3037	Priorities for State Home Grants for Construction, Acquisition, or Renovation	2900-AJ43
3038	Policy Regarding Participation in National Practitioner Data Bank	2900-AJ76
3039	Therapeutic Housing	2900-AK01
3040	Reimbursement/Payment for Uninsured Veterans' Non-VA Emergency Medical Care	2900-AK08
3041	Waivers	2900-AK29
3042	Copayments for Extended Care Services	2900-AK32
3043	Enrollment Priority Category Status Changes	2900-AK38
3044	Copayments for Inpatient Hospital Care, Outpatient Medical Care, and Medications	2900-AK50
3045	Loan Guaranty: Multifamily Transitional Housing for Homeless Veterans Program	2900-AK58
3046	Schedule for Rating Disabilities—The Orthopedic System	2900-AE91
3047	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
3048	Schedule for Rating Disabilities—Digestive System	2900-AF24
3049	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment	2900-AH21
3050	Evidence on File at Date of Death	2900-AH42
3051	Ankylosis and Limitation of Motion of Digits of the Hands	2900-AI44
3052	Dependents Education: Eligibility and Entitlement Standards	2900-AJ19
3053	Schedule for Rating Disability: The Spine	2900-AJ60
3054	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
3055	Evidence of Permanent and Total Disability	2900-AJ82
3056	Benefit of the Doubt	2900-AJ93
3057	Permanent Incapacity for Self-Support	2900-AJ95
3058	Presumptive Service Connection for Hepatitis C Infection	2900-AJ96
3059	Minimum Active Duty Requirement	2900-AK02
3060	State Department as Agent of Department of Veterans Affairs	2900-AK03
3061	Commencement of the Period of Payment	2900-AK09
3062	Service Connection and Chronic Disability	2900-AK11
3063	Governmentwide Debarment and Suspension (Nonprocurement) and Requirement for Drug-Free Workplace (Assistance)	2900-AK16
3064	Time Limits, Extensions, and Computation of Time Limits	2900-AK17
3065	Finality of Decisions	2900-AK18

VA

Department of Veterans Affairs—Proposed Rule Stage (Continued)

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3066	Delegation of Authority To Issue Decisions on Benefits Claims	2900-AK19
3067	Individuals and Groups Considered To Have Performed Active Military, Naval, or Air Service	2900-AK20
3068	Psychosis	2900-AK21
3069	Change of Law-Effect on Benefits	2900-AK22
3070	Renouncement of Benefits	2900-AK23
3071	Testimony in Support of Benefit Claims	2900-AK24
3072	Written and Oral Information on Statements Affecting Entitlement to Benefits	2900-AK25
3073	Acceptable Evidence of Dependents and Age	2900-AK26
3074	Acceptable Evidence of Void and Annulled Marriages	2900-AK27
3075	Acceptable Evidence of Marriage	2900-AK30
3076	Independent Medical Opinions	2900-AK31
3077	Acceptable Evidence of Divorce	2900-AK34
3078	Acceptable Evidence of Termination of Marital Relationship or Conduct	2900-AK35
3079	Acceptable Evidence of Birth	2900-AK36
3080	Evidence From Foreign Countries	2900-AK37
3081	National Service Life Insurance—Plain English Revision	2900-AK43
3082	Acceptable Evidence of Child's Relationship	2900-AK47
3083	Acceptable Evidence of Death	2900-AK48
3084	Acceptable Evidence of Unexplained Absence for 7 Years	2900-AK49
3085	U.S. Flags for Burials of Certain Members of the Selected Reserve	2900-AK56
3086	Validity of Enlistments	2900-AK59
3087	Computation of Service	2900-AK60
3088	Diseases Specific to Radiation-Exposed Veterans	2900-AK64
3089	Filipino Veterans Benefit Improvements	2900-AK65
3090	Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability	2900-AK66
3091	Monetary Allowance Under 38 U.S.C. 1815 for a Child With One or More Covered Birth Defects Who Is a Child of a Woman Vietnam Veteran	2900-AK67
3092	Duty to Assist	2900-AK69
3093	Acceptable Evidence of Change in Status or Number of Dependents	2900-AK70
3094	Loan Guaranty: Pre-Purchase Counseling Requirements	2900-AK76
3095	Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program	2900-AK77
3096	Veterans Education: Topping Up Tuition Assistance	2900-AK79
3097	Veterans and Dependents Education: Licensing and Certification	2900-AK80
3098	Veterans Education: Additional Opportunity To Participate in the Montgomery GI Bill and Other Miscellaneous Issues	2900-AK81
3099	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources	2900-AI71
3100	Universal Product Numbers (UPNs)	2900-AJ45
3101	Construction and Architect-Engineer Contracts	2900-AJ56
3102	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
3103	Rules of Practice; Jurisdiction	2900-AJ97
3104	Appeals Regulations: Title for Members of the Board of Veterans Appeals	2900-AK62
3105	Board of Veterans' Appeals: Rules of Practice—Appeal Withdrawal	2900-AK71
3106	Headstone and Marker Inscription Policy	2900-AH45
3107	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900-AH46
3108	Eligibility for Burial of Dependent Adult Children of Eligible Veterans	2900-AI95
3109	Use of the Secretary's Authority as Provided by 38 U.S.C. 2402(6)	2900-AJ48
3110	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
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VA

Department of Veterans Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3112	Advanced Health Care Planning	2900-AJ28
3113	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes	2900-AJ34
3114	Per Diem for Adult Day Health Care of Veterans in State Homes	2900-AJ74
3115	Reasonable Charges for Medical Care or Services	2900-AK39
3116	Delegation of Authority—Loan Guaranty for Multifamily Transitional Housing for Homeless Veterans	2900-AK51
3117	Provision of Hospital and Outpatient Care to Veterans	2900-AK53
3118	Medical Benefits Package	2900-AK55
3119	Reasonable Charges for Medical Care or Services	2900-AK73
3120	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA ..	2900-AE20
3121	Acceptance of Partial Payments; Indemnification of Default	2900-AE60
3122	Schedule for Rating Disabilities—The Skin	2900-AF00
3123	Amendments to Training and Rehabilitation Programs	2900-AG00
3124	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers	2900-AG20
3125	Vision	2900-AH43
3126	Intervertebral Disc Syndrome	2900-AI22
3127	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
3128	Veterans Education: Reporting and Recordkeeping Requirements at Flight Schools	2900-AJ23
3129	Exclusions from Income	2900-AJ52
3130	Certification Evidence for Proof of Service	2900-AJ55
3131	Accelerated Benefits Option for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance	2900-AJ80
3132	Loan Guaranty: Advertising and Solicitation Disclosure Requirements	2900-AJ86
3133	Review of Benefit Claims Decisions	2900-AJ99
3134	Post-Traumatic Stress Disorder Claims Based on Personal Assault	2900-AK00
3135	Revised Definition of a Program of Education Under the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues	2900-AK06
3136	Signature by Mark	2900-AK07
3137	Schedule for Rating Disabilities: Disabilities of the Liver	2900-AK12
3138	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve	2900-AK40
3139	Veterans Education: Increased Allowance for the Educational Test Program	2900-AK41
3140	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance	2900-AK44
3141	End of the Service Members Occupational Conversion and Training Program	2900-AK45
3142	Veterans Vocational Rehabilitation and Education: Title Change	2900-AK46
3143	Disease Associated with Exposure to Certain Herbicide Agents: Type 2 Diabetes Mellitus	2900-AK63
3144	Veterans Benefits and Health Care Improvement Act of 2000	2900-AK68
3145	Delegation of Authority—Portfolio Loan Servicing Contractor	2900-AK72
3146	Sealed Bidding and Competitive Proposals	2900-AI99
3147	Veterans Affairs Acquisition Regulation: Revisions to VA Acquisition Regulations Parts 801 through 805	2900-AK75
3148	Board of Veterans Appeals—Rules of Practice—Attorney Fee Matters	2900-AI98
3149	Board of Veterans Appeals: Rules of Practice—Subpoenas	2900-AJ58
3150	Delegations of Authority—Appeals Regulations and Rules of Practice	2900-AJ66
3151	Notice of Appeal in Simultaneously Contested Claims	2900-AJ73
3152	Notification of Representatives in Connection With Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AJ75
3153	The Board of Veterans Appeal; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakable Error: Content of Record; Advancement on the Docket	2900-AJ85
3154	Appeal Regulations, Rules of Practice: Use of Supplemental Statement of the Case	2900-AK33
3155	Rules of Practice: Medical Opinions From the Veterans Health Administration	2900-AK52
3156	Board of Veterans Appeals: Rules of Practice—Time for Filing Substantive Appeal	2900-AK54
3157	Board of Veterans Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AK74
3158	Interment or Memorialization in VA National Cemeteries and Certain State Cemeteries—Federal or State Capital Crime	2900-AJ77
3159	Delegation of Authority—Decisionmaking Regarding Discrimination	2900-AJ63
3160	Nondiscrimination on the Basis of Race, Color, or National Origin; Handicap; and Age in Programs and Activities Receiving Federal Assistance	2900-AK13
3161	Release of Information From Department of Veterans Affairs Records	2900-AH98
3162	Recognition of Organizations and Accreditation of Representatives	2900-AI93

VA

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3163	Protection of Human Subjects	2900-AJ08
3164	Schedule for Rating Disabilities: Global Assessment of Functioning Scale in the Evaluation of Mental Disorders	2900-AJ84
3165	Loan Guaranty: Revision to VA Work Rules for Credit Scored Loans	2900-AJ91
3166	Loan Guaranty: Credit Standards Revision	2900-AJ92
3167	Appeals Regulations; Rules of Practice	2900-AE78
3168	Rules of Practice; Hearings	2900-AG07
3169	Rules of Practice: Medical Opinions; Appeal Processing and Submission of Additional Evidence	2900-AG90
3170	Operation of Child Care Centers at VA Facilities	2900-AD48

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
3171	Exemption from Pharmacy Copay	2900-AJ12
3172	Provision of Aids to the Blind	2900-AJ22
3173	Aids for the Blind	2900-AJ83
3174	Copayments for Medication	2900-AK28
3175	VA Payment for Non-VA Public or Private Hospital Care and Non-VA Physician Services That Are Associated With Either Outpatient or Inpatient Care	2900-AK57
3176	New Criteria for Approval of Courses for Educational Assistance Programs	2900-AI67
3177	Use of Facilities To Provide Training or Work Experience for Veterans	2900-AJ01
3178	Well Grounded Claims/Duty To Assist	2900-AJ44
3179	Revised Criteria for Monetary Allowance for a Child Born With Spina Bifida Who Is a Child of a Vietnam Veteran ..	2900-AJ51
3180	Claims Based on Effect of Tobacco Products	2900-AJ59
3181	Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues	2900-AJ90
3182	Appeals Regulations: Title for Members of the Board of Veterans Appeals-Rescission	2900-AK61
3183	Outer Burial Receptacles	2900-AJ49

DEPARTMENT OF VETERANS AFFAIRS (VA)

Prerule Stage

VETERANS HEALTH
ADMINISTRATION3033. MEDICATION PRESCRIBING
AUTHORITY**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17; 38 CFR 17.33**Legal Deadline:** None

Abstract: The Veterans Health Administration of the Department of Veterans Affairs is considering amending its medical regulations to specify those who are eligible to prescribe medications. The supplementary information portion of the document contains a preliminary list of those under consideration for prescribing medications. To help

formulate a proposed rule regarding medication prescribing authority, an advance notice of proposed rulemaking solicits written comments and announces a public hearing.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Audrey Crenshaw Drake, Program Director Nursing (118), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8424
Fax: 202 273-9066

Email: audrey.drake@mail.va

RIN: 2900-AK05OFFICE OF FINANCIAL
MANAGEMENT3034. STANDARDS FOR COLLECTION,
COMPROMISE, SUSPENSION, OR
TERMINATION OF COLLECTION
EFFORT; REGIONAL OFFICE
COMMITTEE ON WAIVER AND
COMPROMISES**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3700 et seq; 38 USC 501; 38 USC 5302; 38 USC 5314; 38 USC 5315**CFR Citation:** 31 CFR 900 to 904; 38 CFR 1.900 to 1.970**Legal Deadline:** None

VA

Prerule Stage

Abstract: The Department of Veterans Affairs (VA) proposes to revise its current regulations on debt collection by eliminating some and cross-referencing the remainder to the revised DOJ/Treasury Governmentwide Federal Claims Collection Standards (31 CFR parts 900 to 904). These regulations will also be updated to comply with the Debt Collection Improvement Act of 1996. In addition, VA also proposes

to amend regulations pertaining to the administration of our Regional Office Committees on Waivers and Compromises.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Peter T. Mulhern, Office of Finance (047GC1), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5570
TDD Phone: 202 273 6574

RIN: 2900-AK10

DEPARTMENT OF VETERANS AFFAIRS (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

3035. MEDICAL CARE AND TREATMENT FOR WHICH VA WILL NOT SEEK REIMBURSEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1729

CFR Citation: 38 CFR 17.107

Legal Deadline: None

Abstract: This document proposes to amend VA's medical regulations to provide that, under specified conditions, VA will not seek reimbursement from health insurance carriers or from veterans in the form of copayments for care or services not adjudicated as service connected.

Timetable:

Action	Date	FR Cite
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8198
Fax: 202 273-6485
RIN: 2900-AJ20

3036. CLOTHING ALLOWANCE

Priority: Info./Admin./Other

Legal Authority: 38 USC 1162

CFR Citation: 38 CFR 3.810

Legal Deadline: None

Abstract: The regulatory action needs to be amended to contain specific language that submission of torn, worn, damaged clothing is not a specific condition for approving clothing allowances.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Frederick Downs Jr., Chief, Consultant, Prosthetic and Sensory Aids Strategic Healthcare Group, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8515

RIN: 2900-AJ21

3037. PRIORITIES FOR STATE HOME GRANTS FOR CONSTRUCTION, ACQUISITION, OR RENOVATION

Priority: Other Significant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.216; 38 CFR 17.222

Legal Deadline: None

Abstract: This rule proposes to amend the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. This notice of proposed rulemaking requests comments regarding what regulations should be established with respect to the priorities for awarding

State home grants for construction, acquisition, or renovation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Frank Salvas, Geriatrics and Extended Care (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8536

RIN: 2900-AJ43

3038. POLICY REGARDING PARTICIPATION IN NATIONAL PRACTITIONER DATA BANK

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1110 to 11152

CFR Citation: 38 CFR 46

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its regulations concerning the reporting of physicians, dentists, and other healthcare practitioners to the National Practitioner Data Bank (NPDB). These regulations concern malpractice payment reporting and clinical privileges actions reporting. These amendments appear to be necessary to make the reporting process more efficient and fair and to ensure that reporting is accomplished in accordance with the statutory framework.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Kathryn W. Enchelmayer, Office of Quality and Performance (10Q), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8936

RIN: 2900-AJ76

3039. THERAPEUTIC HOUSING

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1772

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: This rulemaking proposes to establish provisions regarding payment rates and length of stay for veterans residing in housing under VA's Compensation Work Therapy/Transitional Residences program. These provisions are designed to ensure that veterans pay an equitable amount and stay only for the time necessary to meet the intended goals.

Timetable:

Action	Date	FR Cite
NPRM	03/06/01	66 FR 13461
NPRM Comment Period End	05/07/01	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christine Woods, Program Specialist, Department of Veterans Affairs, Veterans Health Administration, HQ-Psychosocial Rehabilitation Services, Bldg. 148, Rm D133, VA Medical Center, Hampton, VA 23669
Phone: 757 722-9961
Fax: 757 728-3143

RIN: 2900-AK01

3040. REIMBURSEMENT/PAYMENT FOR UNINSURED VETERANS' NON-VA EMERGENCY MEDICAL CARE

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 38 USC 501; 38 USC 1725; PL 106-117

CFR Citation: 38 CFR 17

Legal Deadline: NPRM, Statutory, May 22, 2000, 180 days after effective date of PL 106-117.

Abstract: This document proposes to amend the Department of Veterans Affairs medical regulations by establishing a mechanism for payment or reimbursement for certain non-VA emergency services furnished to veterans for nonservice-connected conditions. This amendment is necessary to implement provisions of "The Veterans Millennium Health Care and Benefits Act."

Timetable:

Action	Date	FR Cite
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Roscoe G. Butler, Chief, Policy and Operations (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8302
Fax: 202 273-9609
Email: roscoe.butler@mail.va.gov

RIN: 2900-AK08

3041. WAIVERS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1722A; PL 106-117

CFR Citation: 38 CFR 17.105

Legal Deadline: None

Abstract: The purpose of this document is to provide regulations to formally establish the waiver process for veterans' copayments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8198

Fax: 202 273-6485

RIN: 2900-AK29

3042. COPAYMENTS FOR EXTENDED CARE SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1710; PL 106-117

CFR Citation: 38 CFR 17.111

Legal Deadline: None

Abstract: This document proposes to amend VA's medical regulations to establish a mechanism regarding copayments for extended care services.

Timetable:

Action	Date	FR Cite
NPRM	07/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carolyn S. West, Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8206
Fax: 202 273-6485
Email: carol.west@mail.va.gov

RIN: 2900-AK32

3043. ENROLLMENT PRIORITY CATEGORY STATUS CHANGES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721; PL 106-117

CFR Citation: 38 CFR 17.36

Legal Deadline: None

Abstract: Pursuant to the Veteran's Health Care Eligibility Reform Act of 1996, VA implemented a national enrollment system to manage the delivery of VA hospital and outpatient care. Veterans are eligible to be enrolled based on the Secretary's determination concerning which of the seven priority categories of veterans to enroll. Section 112 of Public Law No. 106-117, the Veteran's Millennium

VA

Proposed Rule Stage

Health Care and Benefits Act, amended the priority categories to include veterans awarded the Purple Heart in priority category three. Accordingly, we intend to change our medical regulations at 38 CFR 17.36 to reflect this statutory change. We further propose to amend VA's Disenrollment requirements set forth under 38 CFR 17.36(d)(4)(iii) to allow priority category 5 veterans enrolled in this category based on their annual income information to remain enrolled. Currently, under 38 CFR 17.36(d)(4)(iii), a veteran enrolled under paragraphs (d)(2) or (d)(3) will be disenrolled if a VA network or facility director, or the Chief Network Officer, determines that a veteran has been enrolled based on inclusion in priority category 5, the veteran was sent by mail a VA Form 10-1-EZ, and the veteran failed to return the completed form to the address on the return envelop within 60 days from receipt of the form. We propose to continue their enrollment but only after the veteran agrees to co-pay requirements set forth under 38 U.S.C. 1710(f) and 1710(g). We also propose to amend the enrollment application form to reflect these changes and to add to the form instructions, a consent to release information, a statement regarding Paperwork Reduction Act changes are necessary to reflect statutory requirements, and to provide information to the public.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roscoe G. Butler, Chief, Policy and Operations (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8302

Fax: 202 273-9609

Email: roscoe.butler@mail.va.gov

RIN: 2900-AK38

3044. COPAYMENTS FOR INPATIENT HOSPITAL CARE, OUTPATIENT MEDICAL CARE, AND MEDICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1710; PL 106-117

CFR Citation: 38 CFR 17.108; 38 CFR 17.110

Legal Deadline: None

Abstract: This document proposes to amend VA's medical regulations to set forth a mechanism for determining copayments for inpatient hospital care, outpatient medical care, and medications. This document is necessary to implement provisions of the Veterans Millennium Health Care and Benefits Act and to set forth our statutory interpretations regarding application of the copayment requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nancy Howard, Senior Program Analyst (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8198

Fax: 202 273-6485

RIN: 2900-AK50

3045. • LOAN GUARANTY: MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 3772

CFR Citation: 38 CFR 17.1000 to 17.1020

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its medical regulations to add comprehensive regulations to implement the pilot program for guaranteed loans for multifamily transitional housing projects for homeless veterans.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Theresa Hayes, Program Manager (116E), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8445

RIN: 2900-AK58

VETERANS BENEFITS ADMINISTRATION

3046. SCHEDULE FOR RATING DISABILITIES—THE ORTHOPEDIC SYSTEM

Priority: Other Significant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71(a)

Legal Deadline: None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the orthopedic system.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	07/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7211

RIN: 2900-AE91

3047. SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS

Priority: Other Significant

Legal Authority: 38 USC 1155

VA

Proposed Rule Stage

CFR Citation: 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the neurological system.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20169
ANPRM Comment Period End	07/01/91	
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 272-7211

RIN: 2900-AF23

3048. SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM

Priority: Other Significant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.114

Legal Deadline: None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the digestive system.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AF24

3049. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 512(a); 38 USC 1110; 38 USC 1131; 38 USC 1155; 38 USC 1502; 38 USC 1521(a)

CFR Citation: 38 CFR 3.321; 38 CFR 3.340; 38 CFR 3.341; 38 CFR 3.342; 38 CFR 4.16; 38 CFR 4.17; 38 CFR 4.18

Legal Deadline: None

Abstract: This action will amend the regulations in part 3 of title 38, United States Code, and in the Schedule for Rating Disabilities in part 4 to provide clear and objective standards for determining whether a veteran is entitled to a total evaluation based on his or her inability to perform substantially gainful employment due to disability.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AH21

3050. EVIDENCE ON FILE AT DATE OF DEATH

Priority: Other Significant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.1000

Legal Deadline: None

Abstract: This action will clarify the definition of "medical evidence on file at time of death" (Hayes v. Brown).

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AH42

3051. ANKYLOSIS AND LIMITATION OF MOTION OF DIGITS OF THE HANDS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71a

Legal Deadline: None

Abstract: This document revises the evaluation criteria for ankylosis and limitation of motion of the fingers to ensure that veterans diagnosed with these conditions receive consistent evaluations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 272-7211

RIN: 2900-AI44

3052. DEPENDENTS EDUCATION: ELIGIBILITY AND ENTITLEMENT STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: PL 90-631, sec 2; 38 USC 3541; 38 USC 3562; 38 USC 3681; 38 USC 3686; 38 USC 3687; 38 USC 5304; PL 97-377, sec 156; 38 USC 501(a); 38 USC 3482; 38 USC 3501; 38 USC 3511; 38 USC 3512; 38 USC 3532; 38 USC 3533

VA

Proposed Rule Stage

CFR Citation: 38 CFR 3.503; 38 CFR 21.3042; 38 CFR 21.3043; 38 CFR 21.3044; 38 CFR 21.3045; 30 CFR 21.3046; 30 CFR 21.3047; 38 CFR 3.667; 38 CFR 3.707; 38 CFR 3.807; 38 CFR 21.3020; 38 CFR 21.3021; 38 CFR 21.3023; 38 CFR 21.3040; 38 CFR 21.3041; ...

Legal Deadline: None

Abstract: This document will amend Department of Veterans Affairs education regulations to provide a new interpretation of when the eligibility period ends for children eligible for Survivors' and Dependents' Educational Assistance. It will also implement provisions of the Veterans Benefits and Health Care Improvement Act of 2000 that affect children's eligibility periods and the effective date of awards under Survivors' and Dependents' Educational Assistance. It will also implement recent opinions of the Court of Appeals for Veterans Claims that affect eligibility for Survivors' and Dependents' Educational Assistance. It will also make changes to clarify many of these regulations and other changes to make the regulations easier to use.

Timetable:

Action	Date	FR Cite
NPRM	09/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2900-AJ19

3053. SCHEDULE FOR RATING DISABILITY: THE SPINE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71a

Legal Deadline: None

Abstract: This amendment will contain additions, deletions, and revisions of terminology pertaining to spinal disabilities based on a systematic review of the medical criteria used to evaluate disabilities of the spine.

Timetable:

Action	Date	FR Cite
NPRM	08/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 272-7211

RIN: 2900-AJ60

3054. EDUCATION PROVISIONS OF THE VETERANS PROGRAMS ENHANCEMENT ACT OF 1998

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 16136; 38 USC 3034; 38 USC 3241; 38 USC 3485; 38 USC 3537; 38 USC 3677; 38 USC 3684; 38 USC 5101

CFR Citation: 38 CFR 21.4145; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4262

Legal Deadline: None

Abstract: This rule will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998. This will include revising the calculation of the reporting fee paid to educational institutions; making advance payments to work-study students optional rather than mandatory; and revising the approval criteria for on-job training programs offered by the Federal Government or by State or local governments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AJ68

3055. EVIDENCE OF PERMANENT AND TOTAL DISABILITY

Priority: Other Significant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.3(a)

Legal Deadline: None

Abstract: This amendment would allow VA to accept the following types of evidence as establishing that a veteran is permanently and totally disabled, without need for medical evidence: (1) Status as a nursing home patient, (2) SSA determination of total disability, and (3) attainment of age 65.

Timetable:

Action	Date	FR Cite
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AJ82

3056. BENEFIT OF THE DOUBT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 5107(b)

CFR Citation: 38 CFR 3.102

Legal Deadline: None

Abstract: This action proposes to amend 38 CFR part 3 by adding a new subpart D—Universal Adjudication Rules. This new subpart would consist of reorganized sections from existing subpart A. The first of these sections to be reorganized is the general concept of "benefit of the doubt." The intended effect of this amendment is to retain the existing provision but rewritten in a reorganized format using plain language principles and recognizing decisions of the U.S. Court of Appeals for Veterans Claims.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

VA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 2900-AJ93**3057. PERMANENT INCAPACITY FOR SELF-SUPPORT****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 1115; 38 USC 1311; 38 USC 1313; 38 USC 1314; 38 USC 1521; 38 USC 1541; 38 USC 1542; PL 101-508; PL 102-568

CFR Citation: 38 CFR 3.356**Legal Deadline:** None

Abstract: This action proposes to amend 38 CFR part 3 to conform it to the Presidential Memorandum of June 1, 1998, Plain Language in Government Writing, by revising provisions on helpless children in section 3.356 and by incorporating rules on helpless children in VA's Adjudication Procedures Manual, M21-I.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AJ95**3058. PRESUMPTIVE SERVICE CONNECTION FOR HEPATITIS C INFECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.318**Legal Deadline:** None

Abstract: This document proposes to amend the Department of Veterans Affairs adjudication regulations to establish presumptive service connection for hepatitis C infection in veterans who were exposed to blood during combat who underwent certain treatment procedures during active duty service. The intended effect of this rule is to ensure that veterans who may have been exposed to the hepatitis C virus during active military service, because they underwent hemodialysis, transfusion of blood or blood products before January 1, 1993, or solid organ transplant before January 1, 1993, will be service-connected for hepatitis C infection.

Timetable:

Action	Date	FR Cite
NPRM	05/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AJ96**3059. MINIMUM ACTIVE DUTY REQUIREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5303A**CFR Citation:** 38 CFR 3; 38 CFR 3.12a**Legal Deadline:** None

Abstract: This document explains the minimum active-duty service requirement (MADSR) for entitlement to VA benefits in "plain language." It incorporates a provision from the adjudication procedures manual, M21-1, not currently addressed in the regulation, to allow for public comment. It also corrects in M21-1, the date of enactment of the law under which the MADSR was authorized. This does not affect entitlement or eligibility to VA benefits previously established under the manual provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7213

RIN: 2900-AK02**3060. STATE DEPARTMENT AS AGENT OF DEPARTMENT OF VETERANS AFFAIRS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5106**CFR Citation:** 38 CFR 3; 38 CFR 3.108**Legal Deadline:** None

Abstract: This document reorganizes and rewrites in "plain language" the regulation that identifies the State Department as an agent of the Department of Veterans Affairs for purposes of accepting, developing, and assisting with claims and evidence. It incorporates a provision in the adjudication procedures manual regarding services offered by the Department of State.

Timetable:

Action	Date	FR Cite
NPRM	08/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7213

RIN: 2900-AK03**3061. COMMENCEMENT OF THE PERIOD OF PAYMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 5111

VA

Proposed Rule Stage

CFR Citation: 38 CFR 3; 38 CFR 3.31**Legal Deadline:** None

Abstract: This document explains in “plain language” when benefit payments begin for certain original, reopened, or increased awards. It also clarifies procedures to enhance consistency of application and proposes to remove two requirements from the adjudication procedures manual, M21-1, that are inconsistent with governing authority.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK09

3062. SERVICE CONNECTION AND CHRONIC DISABILITY

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1110; 38 USC 1131

CFR Citation: 38 CFR 3.303

Legal Deadline: None

Abstract: Title 38 Code of Federal Regulations section 3.303 concerns the basic principles of service connection. This includes provisions on chronic disabilities and continuity of symptomatology. Section 3.303 is being revised into Reader Focused Writing. In addition, VA plans to make substantive changes needed to implement the U.S. Court of Appeals for Veterans Claims' holdings in the Savage, McManaway, and Hodges cases.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension

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RIN: 2900-AK11

3063. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND REQUIREMENT FOR DRUG-FREE WORKPLACE (ASSISTANCE)

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 44; 38 CFR 48

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is planning to revise its portion of the Governmentwide nonprocurement common rule (NCR) for debarment and suspension found at 38 CFR part 44. The proposed changes include: Drafting the rule in a plain language style and format; reconciling technical differences between the NCR and the Federal Acquisition Regulation; enhancing and clarifying the existing rule; and establishing a separate part at 38 CFR part 48 for the drug-free workplace requirements that are in subpart F of the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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RIN: 2900-AK16

3064. TIME LIMITS, EXTENSIONS, AND COMPUTATION OF TIME LIMITS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5103; 38 USC 7105(c)

CFR Citation: 38 CFR 3.109; 38 CFR 3.110

Legal Deadline: None

Abstract: This provision explains in “plain language” about time limits for providing evidence to VA to complete claims, how those time limits are computed, and under what circumstances extensions to the time limits may be allowed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK17

3065. FINALITY OF DECISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 502; 38 USC 511; 38 USC 5104; 38 USC 5109A; 38 USC 5112(b)(6)

CFR Citation: 38 CFR 3.104

Legal Deadline: None

Abstract: This amendment informs claimants in “plain language” when a VA decision is final, how a decision by one VA office affects other VA offices, and under what circumstances a VA decision may be changed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK18

VA

Proposed Rule Stage

3066. DELEGATION OF AUTHORITY TO ISSUE DECISIONS ON BENEFITS CLAIMS**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 512**CFR Citation:** 38 CFR 3.100**Legal Deadline:** None**Abstract:** This is a plain language restatement of the existing delegations of authority to issue decisions on benefit claims.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7228
Fax: 202 275-4800
Email: capbwhit@vba.va.gov**RIN:** 2900-AK19**3067. INDIVIDUALS AND GROUPS CONSIDERED TO HAVE PERFORMED ACTIVE MILITARY, NAVAL, OR AIR SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101; 38 USC 102; 38 USC 107; 38 USC 501(a); 38 USC 1152; 38 USC 1504, 5303(c); PL 95-202; ...**CFR Citation:** 38 CFR 3.7**Legal Deadline:** None**Abstract:** This amendment reorganizes the current regulation and rewrites it in "plain language." The regulation identifies civilian groups and individuals determined to have performed active service based on their service to U.S. Armed Forces. We propose to add three new groups, under the authority of Public Law No. 95-202, based on the recent decision of the Secretary of the Air Force that the service of these group members constitutes active military service.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7213**RIN:** 2900-AK20**3068. PSYCHOSIS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.384**Legal Deadline:** None**Abstract:** This document proposes to amend the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term is used but not defined in certain statutes that provide presumptive service connection for compensation or health care purposes.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 272-7211**RIN:** 2900-AK21**3069. CHANGE OF LAW-EFFECT ON BENEFITS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 186; 38 USC 5112(b)(6); 38 USC 5110(g)**CFR Citation:** 38 CFR 3.114**Legal Deadline:** None**Abstract:** These amendments are plain language restatements of adjudication regulations dealing with the effective dates that must be assigned when entitlement or non-entitlement to benefits is based on a change of law or a change VA rules.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK22**3070. RENOUNCEMENT OF BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5306**CFR Citation:** 38 CFR 3.106**Legal Deadline:** None**Abstract:** This revision explains in "plain language" who has the right to renounce benefits, how to renounce benefits, and what renouncement means to a claimant. It discusses effective dates for the termination of renounced benefits, as well as the right to reapply for benefits that have been renounced. A substantive change in the effective date of a renouncement is proposed to cover the renouncement of benefits when an award is already in suspense.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7213
RIN: 2900-AK23**3071. TESTIMONY IN SUPPORT OF BENEFIT CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5711(a)(3)

VA

Proposed Rule Stage

CFR Citation: 38 CFR 3.200**Legal Deadline:** None

Abstract: This proposal is a rewrite of the current regulation concerning the requirements for submitting oral and written testimony. We also propose to incorporate two provisions currently found in the adjudication procedure manual. The changes will make the regulation easier to understand and give claimants more information about the requirements for submitting oral and written testimony.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK24

3072. WRITTEN AND ORAL INFORMATION ON STATEMENTS AFFECTING ENTITLEMENT TO BENEFITS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 5104**CFR Citation:** 38 CFR 3.103**Legal Deadline:** None

Abstract: This rulemaking intends to amend VA's due process regulation to allow reporting requirements to be met and allow benefit modifications to be based on information provided orally or by electronic means (e-mail, facsimile, or other means). This should help both beneficiaries and VA since it would allow benefit modifications to be done more quickly and reduce overpayments. It would also allow those receiving pension or parents' DIC to report promptly the deaths of family members, since this could affect entitlement to benefits.

Timetable:

Action	Date	FR Cite
NPRM	04/20/01	66 FR 20220
NPRM Comment Period End	06/19/01	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Donald England, Chief, Policy and Regulations, C & P Service (21), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7211

RIN: 2900-AK25

3073. ACCEPTABLE EVIDENCE OF DEPENDENTS AND AGE**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5124**CFR Citation:** 38 CFR 3.204**Legal Deadline:** None

Abstract: This amendment restates the current regulation in "plain language" and eliminates the requirement that statements acceptable as proof of age or relationship must be written.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK26

3074. ACCEPTABLE EVIDENCE OF VOID AND ANNULLED MARRIAGES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 103**CFR Citation:** 38 CFR 3.207**Legal Deadline:** None

Abstract: This amendment explains in "plain language" what VA considers acceptable evidence of a void or annulled marriage.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK27

3075. ACCEPTABLE EVIDENCE OF MARRIAGE**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 103**CFR Citation:** 38 CFR 3.205**Legal Deadline:** None

Abstract: This revision explains in "plain language" what evidence is acceptable to VA as proof of marriage.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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Phone: 202 273-7213

RIN: 2900-AK30

3076. INDEPENDENT MEDICAL OPINIONS**Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5109; 38 USC 5701(b)(1); 38 USC 52a(f)(3)**CFR Citation:** 38 CFR 3.328**Legal Deadline:** None

Abstract: This amendment is a plain language restatement of the existing regulation dealing with independent medical opinions that may be requested to resolve complex or controversial medical issues that may arise in a claim for veterans' benefits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

VA

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 2900-AK31**3077. ACCEPTABLE EVIDENCE OF DIVORCE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5124**CFR Citation:** 38 CFR 3.206**Legal Deadline:** None

Abstract: This is a plain language restatement of the adjudication regulation setting forth what VA will accept as evidence of a valid divorce.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-7213

RIN: 2900-AK34**3078. ACCEPTABLE EVIDENCE OF TERMINATION OF MARITAL RELATIONSHIP OR CONDUCT****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 101(3); 38 USC 103(d); 38 USC 1311(e)(2)**CFR Citation:** 38 CFR 3.215**Legal Deadline:** None

Abstract: This is a plain language restatement of the adjudication regulations that sets forth what VA will accept as evidence that a relationship warranting an inference of remarriage has terminated.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-7213

RIN: 2900-AK35**3079. ACCEPTABLE EVIDENCE OF BIRTH****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5124**CFR Citation:** 38 CFR 3.209**Legal Deadline:** None

Abstract: This is a plain language restatement of the adjudication regulation that describes what evidence is acceptable to prove birth and relationship.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-7213

RIN: 2900-AK36**3080. EVIDENCE FROM FOREIGN COUNTRIES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5712**CFR Citation:** 38 CFR 3.202**Legal Deadline:** None

Abstract: This is a plain language restatement of the adjudication regulation dealing with the authentication requirements for

evidence given under oath before an official in a foreign country.

Timetable:

Action	Date	FR Cite
NPRM	08/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-7213

RIN: 2900-AK37**3081. NATIONAL SERVICE LIFE INSURANCE—PLAIN ENGLISH REVISION****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 38 USC 1901 to 1929; 38 USC 1981 to 1988**CFR Citation:** 38 CFR 8.0; 38 CFR 8.1**Legal Deadline:** None

Abstract: This document proposes to amend 38 CFR 8.0 and 8.1 by revising the text into a different format to promote better communication to policyholders and program administrators. This amendment is written in conjunction with VA's plain English (Reader Focused Writing) initiative.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: George Poole, Chief, Program Administration and Oversight Staff (Insurance Service), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101
 Phone: 215 842-2000
 Fax: 215 381-3502
 Email: issgpool@vba.va.gov

RIN: 2900-AK43

VA

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3082. ACCEPTABLE EVIDENCE OF CHILD'S RELATIONSHIP**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(4)**CFR Citation:** 38 CFR 3.210**Legal Deadline:** None**Abstract:** This revision explains in plain language what is acceptable evidence of a child's relationship to a veteran.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK47**3083. ACCEPTABLE EVIDENCE OF DEATH****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 5106; 38 USC 5124**CFR Citation:** 38 CFR 3.211**Legal Deadline:** None**Abstract:** This is a plain language restatement of the adjudication regulation that describes what evidence is acceptable to prove death.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK48**3084. ACCEPTABLE EVIDENCE OF UNEXPLAINED ABSENCE FOR 7 YEARS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 108**CFR Citation:** 38 CFR 3.212**Legal Deadline:** None**Abstract:** This revision explains in plain language what evidence is acceptable for a finding of presumptive death. It incorporates a provision from the Adjudication Procedure Manual that explains what evidence of search for a missing person must show.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK49**3085. • U.S. FLAGS FOR BURIALS OF CERTAIN MEMBERS OF THE SELECTED RESERVE****Priority:** Other Significant**Legal Authority:** 38 USC 2301**CFR Citation:** 38 CFR 1.10**Legal Deadline:** None**Abstract:** This amendment will implement the Strom Thurmond National Defense Authorization Act of 1999, which requires VA to issue burial flags for certain members of the Selected Reserve.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Diane Fuller, Assistant Director, Compensation and Pension Service, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7598

RIN: 2900-AK56**3086. • VALIDITY OF ENLISTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(2)**CFR Citation:** 38 CFR 3.14**Legal Deadline:** None**Abstract:** This revision explains in plain language what the Department of Veterans Affairs considers to be valid service.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK59**3087. • COMPUTATION OF SERVICE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 106(c); 38 USC 5303(a)**CFR Citation:** 38 CFR 3.15**Legal Deadline:** None**Abstract:** This revision explains in plain language how the Department of Veterans Affairs computes the length of a period of service.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK60

VA

Proposed Rule Stage

3088. • DISEASES SPECIFIC TO RADIATION-EXPOSED VETERANS**Priority:** Other Significant**Legal Authority:** 38 USC 1112(c); PL 100-321**CFR Citation:** 38 CFR 3.309(d)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning presumptive service connection for certain diseases for veterans who participated in radiation- risk activities during active service or while members of reserve components during active duty for training or inactive duty training. This proposed amendment would add cancers of the bone, brain, colon, lung, and ovary to the list of diseases which may be presumptively service-connected and amend the definition of the term "radiation-risk activity." The intended effect of this amendment is to ensure that veterans who may have been exposed to radiation during military service have the same burden of proof as civilians exposed to ionizing radiation who may be entitled to compensation for these cancers under comparable Federal statutes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Fax: 202 275-1728
Email: capbruss@vba.va.gov

RIN: 2900-AK64**3089. • FILIPINO VETERANS BENEFIT IMPROVEMENTS****Priority:** Other Significant**Legal Authority:** 38 USC 107**CFR Citation:** 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600**Legal Deadline:** None

Abstract: This document proposes to amend Department of Veterans Affairs

(VA) adjudication regulations to reflect changes made by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, which changed the rate of compensation payments to certain Filipino veterans residing in the U.S., and the Veterans Benefits and Health Care Improvement Act of 2000, which changed the amount of the burial benefit paid to the survivors of certain Filipino veterans who were residing in the U.S. at the time of their deaths.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK65**3090. • SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1114(k); 38 USC 1155; PL 102-4**CFR Citation:** 38 CFR 3.350; 38 CFR 4.116**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its adjudication regulations to provide for payment of special monthly compensation for a woman veteran who loses one or both breasts as a result of service-connected disability. The intended effect of this amendment is to implement legislation authorizing VA to provide this benefit.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7211

RIN: 2900-AK66**3091. • MONETARY ALLOWANCE UNDER 38 U.S.C. 1815 FOR A CHILD WITH ONE OR MORE COVERED BIRTH DEFECTS WHO IS A CHILD OF A WOMAN VIETNAM VETERAN****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1805(b)(3); 38 USC 1812; 38 USC 1815; 38 USC 5110(n); 38 USC 5312(c)(1)**CFR Citation:** 38 CFR 3.27; 38 CFR 3.29; 38 CFR 3.114; 38 CFR 3.216; 38 CFR 3.261**Legal Deadline:** None

Abstract: Section 401 of the Veterans Benefits and Health Care Improvement Act of 2000, Public Law 106-419, amended chapter 18 of title 38 United States Code by adding subchapter II authorizing VA to provide certain benefits, including a monthly monetary allowance, to children born with certain birth defects who are the natural children of women veterans who served in the Republic of Vietnam during the Vietnam era. This document amends existing VA adjudication regulations and adds a new section 3.815 to title 38 Code of Federal Regulations to implement this new authority. Section 1823 of title 38 United States Code specifies that receipt of this allowance shall not affect the right of the child, or the right of any individual based on the child's relationship to that individual, to receive any other benefit to which the child, or that individual, may be entitled under any law administered by VA, nor will the allowance be considered income or resources in determining eligibility for, or the amount of, benefits under any Federal or federally assisted program. We propose to amend 38 CFR 3.27, 3.29, 3.31, 3.114, 3.216, 3.261 to 263, 3.272, and 3.275 to reflect this statutory provision as it applies to VA's income-based benefit programs. The statute states that the birth defects identified may not include: A familial disorder, a birth-related injury, or a fetal or

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neonatal infirmity with well-established causes. The regulation will provide non-exclusive lists of included and excluded conditions for benefits. It also provides criteria to determine which of four levels of monthly monetary payment will be assigned, based on an assessment of the day-to-day functioning of affected individuals or to the extent of disfigurement of the head, face, or neck due to one or more covered birth defects or associated disabilities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 272-7211

RIN: 2900-AK67

3092. • DUTY TO ASSIST

Priority: Other Significant

Legal Authority: 38 USC 5103; 38 USC 5108

CFR Citation: 38 CFR 3.102; 38 CFR 3.156; 38 CFR 3.159; 38 CFR 3.326

Legal Deadline: None

Abstract: The Department of Veterans Affairs (V) is proposing to amend its adjudication regulations to implement the provisions of the Veterans Claims Assistance Act of 2000 (the VCAA), which was signed by the President on November 9, 2000. The intended effect of this regulation is to establish clear guidelines consistent with the intent of Congress regarding the timing and the scope of assistance VA will provide to a claimant who files a substantially complete application for VA benefits.

Timetable:

Action	Date	FR Cite
NPRM	04/04/01	66 FR 17834
NPRM Comment Period End	05/04/01	
Final Action	07/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AK69

3093. • ACCEPTABLE EVIDENCE OF CHANGE IN STATUS OR NUMBER OF DEPENDENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)(1); 38 USC 1115; 38 USC 1310; 38 USC 1521; 38 USC 5124

CFR Citation: 38 CFR 3.213

Legal Deadline: None

Abstract: This revision explains in plain language what evidence is acceptable to VA for the purpose of increasing benefits by adding dependents or for decreasing or discontinuing benefits due to a reduction in dependents or a change of status.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2900-AK70

3094. • LOAN GUARANTY: PRE-PURCHASE COUNSELING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 3203; 38 USC 3210; 38 USC 3220

CFR Citation: 38 CFR 36.4332

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to amend its loan

guaranty regulations to require that all first-time homebuyers seeking to obtain VA guaranteed home loans complete 3 hours of homeowners' counseling.

Timetable:

Action	Date	FR Cite
NPRM	08/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK76

3095. • ADDITIONAL DISABILITY OR DEATH DUE TO HOSPITAL CARE, MEDICAL OR SURGICAL TREATMENT, EXAMINATION, TRAINING AND REHABILITATION SERVICES, OR COMPENSATED WORK THERAPY PROGRAM

Priority: Other Significant

Legal Authority: 38 USC 1151

CFR Citation: 38 CFR 3.358; 38 CFR 3.800

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations concerning awards of compensation or dependency and indemnity compensation for additional disability or death caused by VA hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy (CWT) program. Under the proposed amendment, benefits will be payable for additional disability or death caused by hospital care, medical or surgical treatment, or examination only if VA fault or "an event not reasonably foreseeable" proximately caused the disability or death. Benefits will also be payable for additional disability or death proximately caused by VA's provision of training and rehabilitation services or CWT program.

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Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension (211A), Department of Veterans Affairs, 575 N. Pennsylvania Street, Indianapolis, IN 46204
Phone: 317 226-5209

RIN: 2900-AK77**3096. • VETERANS EDUCATION: TOPPING UP TUITION ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3014; 38 USC 3015**CFR Citation:** 38 CFR 21**Legal Deadline:** None

Abstract: The Floyd D. Spence National Defense Authorization Action for Fiscal Year 2001 contains a provision that permits a service member to receive Montgomery GI Bill—Active Duty benefits for the difference between the service member's tuition and the portion of the tuition paid under 10 U.S.C. 2007. Appropriate regulations will be added to implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK79**3097. • VETERANS AND DEPENDENTS EDUCATION: LICENSING AND CERTIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3032; 38 USC 3232; 38 USC 3452; 38 USC 3482; 38 USC 3501**CFR Citation:** 38 CFR 21**Legal Deadline:** None

Abstract: The Veterans Benefits and Health Care Improvement Act provides that veterans and eligible persons may receive educational assistance to cover the cost of the tests needed to obtain an occupational license or certification. This improved benefit is available under the Post-Vietnam Era Veterans Educational Assistance Program, the Montgomery GI Bill-Active Duty, Survivors' and Dependents' Educational Assistance. Regulations are needed to properly implement this program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK80**3098. • VETERANS EDUCATION: ADDITIONAL OPPORTUNITY TO PARTICIPATE IN THE MONTGOMERY GI BILL AND OTHER MISCELLANEOUS ISSUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3011 to 3012; 38 USC 3015; 38 USC 3018C; 38 USC 3080; 38 USC 16132**CFR Citation:** 38 CFR 21.4138; 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7136; 38 CFR 21.7540**Legal Deadline:** None

Abstract: The Veterans Benefits and Health Care Improvement Act of 2000 affects the Montgomery GI Bill-Active

Duty and the Montgomery GI Bill-Selected Reserve. These include providing an opportunity for some service members to participate in the Montgomery GI Bill-Active Duty; repeal of the requirement that only the initial period of active duty be considered in determining eligibility for the Montgomery GI Bill-Active Duty; increasing the Montgomery GI Bill-Active Duty for those who contribute additional money; and changing the rules for determining when benefits may be paid during the interval between terms. The regulations governing Montgomery GI Bill will be revised accordingly.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK81

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT**3099. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION—SIMPLIFIED ACQUISITION PROCEDURES FOR HEALTH CARE RESOURCES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 8153**CFR Citation:** 48 CFR 801; 48 CFR 806; 48 CFR 812; 48 CFR 837; 48 CFR 852; 48 CFR 873**Legal Deadline:** None

Abstract: VA intends to withdraw the proposed rule concerning simplified acquisition procedures for health care resources published in the Federal Register on November 9, 1998 (63 FR 60256), and to promulgate a new proposed rule concerning simplified acquisition procedures for health care

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resources. The new proposed rule document would amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to establish simplified procedures for the competitive acquisition of health care resources, consisting of commercial services or the use of medical equipment or space, pursuant to 38 U.S.C. 8151-8153. Public Law 104-262, the Veterans' Health Care Eligibility Reform Act of 1996, authorized VA to prescribe simplified procedures for the procurement of health care resources. The proposed rule would prescribe those procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60256
NPRM Comment Period End	01/08/99	
Second NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8819
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RIN: 2900-AI71

3100. UNIVERSAL PRODUCT NUMBERS (UPNS)

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 811; 48 CFR 852

Legal Deadline: None

Abstract: This rulemaking action would provide new contract clauses whereby Department of Veterans Affairs contracting officers could require contractors to furnish products marked at the case, box, and unit of use levels with Universal Product Numbers (UPNs) for scanning using bar code readers.

Timetable:

Action	Date	FR Cite
NPRM	09/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 2900-AJ45

3101. CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 801; 48 CFR 832; 48 CFR 836; 48 CFR 843; 48 CFR 846; 48 CFR 852

Legal Deadline: None

Abstract: This rule proposes to amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to revise and update section numbers and titles, to make minor grammatical corrections and revisions, to delegate authority, and to update parts 836, Construction and Architect-Engineer Contracts, and 852, Solicitation Provisions and Contract Clauses, all to correspond to the Federal Acquisition Regulation (FAR). The rule would clarify how existing VAAR clauses relating to construction contracts are to be used, remove obsolete or duplicative materials, update the VAAR regarding certified cost or pricing data, and provide Agency procedures regarding disclosure of the Government cost estimate on construction contracts. The rule would also remove a "guarantee" clause from the VAAR and provide for VA contracting officers to use the FAR "warranty" clause for construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AJ56

3102. • DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 48 USC 486(c)

CFR Citation: 38 CFR 8

Legal Deadline: None

Abstract: This rulemaking action would amend the Department of Veterans Affairs acquisition regulation to update position titles, to remove obsolete or duplicative material, to delegate authority, and to make plain language revisions to the text. In addition, the rule would update material to correspond to the requirements of the Federal Acquisition Regulation (FAR) and would provide agency procedures for compliance with FAR requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management,

VA

Proposed Rule Stage

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RIN: 2900-AK78

BOARD OF VETERANS APPEALS

3103. RULES OF PRACTICE; JURISDICTION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 511(a); 38 USC 7104; 38 USC 7105; 38 USC 7108

CFR Citation: 38 CFR 20.101; 38 CFR 20.203

Legal Deadline: None

Abstract: The Board of Veterans Appeals is responsible for ensuring that it has jurisdiction over cases before it prior to adjudicating those cases on their merits. The proposed regulatory amendments would make it clear that the Board may raise jurisdictional issues sua sponte, and they provide procedural protections for parties (permit a hearing and submission of argument and evidence) when it does so.

Timetable:

Action	Date	FR Cite
NPRM	04/04/01	66 FR 17840
NPRM Comment Period End	06/04/01	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AJ97

3104. • APPEALS REGULATIONS: TITLE FOR MEMBERS OF THE BOARD OF VETERANS APPEALS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 512; 38 USC 7101(a)

CFR Citation: 38 CFR 19.2

Legal Deadline: None

Abstract: The Board of Veterans' Appeals proposes to amend its appeals regulations to provide that a Member of the Board of Veterans' Appeals (Board) may also be known as a "Veteran Law Judge." This duplicates, in proposed rule format, a final rule previously published in the Federal Register on September 14, 2000 (65 FR 55461). Individuals deciding appeals in other parts of the Federal Government are typically known as "judges"; e.g., "administrative law judges" and "administrative judges." Giving Board Members the title of "veteran law judges" would provide a more accurate title than "member" and would enhance confidence in the system through recognition that appeals are being adjudicated by legal professionals.

Timetable:

Action	Date	FR Cite
NPRM	03/06/01	66 FR 13463
NPRM Comment Period End	05/07/01	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AK62

3105. • BOARD OF VETERANS' APPEALS: RULES OF PRACTICE—APPEAL WITHDRAWAL

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7105(b)(2)

CFR Citation: 38 CFR 20.204

Legal Deadline: None

Abstract: The Board of Veterans' Appeals proposes removing a restriction in its Rules of Practice (Rule of Practice 204; 38 CFR 20.204) that bars an appellant's representative from withdrawing a Notice of Disagreement or a Substantive Appeal that the appellant filed personally without the appellant's written consent. VA believes that the restriction, adopted in the early 1960s, is an outdated and unnecessary intrusion into the relationship between appellants and

their representatives, which creates needless delay through unnecessary procedural complexity.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AK71

NATIONAL CEMETERY SYSTEM

3106. HEADSTONE AND MARKER INSCRIPTION POLICY

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 38 USC 2306

CFR Citation: 38 CFR 1.630; 38 CFR 1.632

Legal Deadline: None

Abstract: The proposed rule revises 38 CFR 1.630 to implement Department of Veterans Affairs (VA) regulations on its inscription policy for use on Government-provided headstones or markers. The amendment formalizes implementation of an all-inclusive inscription policy. This policy change provides for the payment at Government expense of text only, space permitting, for optional inscriptions on all Government headstones or markers. The rule is published as a proposed rule in the Federal Register to provide information to the public on specific changes to VA's inscription policy for Government furnished headstones or markers. A 60-day public comment period is provided. The proposed rule will not have a significant economic impact on a substantial number of small entities and only individual VA beneficiaries could be directly affected.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

Regulatory Flexibility Analysis Required: No

VA

Proposed Rule Stage

Government Levels Affected: None

Agency Contact: Karen Barber,
Program Analyst (402B1), Department
of Veterans Affairs, National Cemetery
Administration, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-5153
TDD Phone: 202 273-6697
RIN: 2900-AH45

**3107. STATE CEMETERY GRANTS:
AID TO STATES FOR
ESTABLISHMENT, EXPANSION, AND
IMPROVEMENT OF VETERANS
CEMETERIES**

Priority: Other Significant

Legal Authority: 38 USC 2408

CFR Citation: 38 CFR 39.1; 38 CFR
39.2; 38 CFR 39.3; 38 CFR 39.7; 38 CFR
39.8; 38 CFR 39.9 (New)

Legal Deadline: None

Abstract: The proposed rule revises 38 CFR part 39 to amend Department of Veterans Affairs (VA) regulations for the State Cemetery Grants Program to implement and update information on program requirements and the application process for participants. The amendment formalizes new standards and provides guidance on how States may obtain funding for grants to expand, establish, or improve State veterans cemeteries. The rule is published as proposed in the Federal Register to provide information to the public on how to apply for Federal funding for State veterans cemeteries. A 60-day public comment period is provided. It is subject to the requirements of the Administrative Procedures Act and E.O. 12866 because the rule is an interpretation of statute. The proposed rule will not have a significant economic impact on a substantial number of small entities; only those States that apply for funding may be direct beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: State

Agency Contact: Karen Barber,
Program Analyst (402B1), Department
of Veterans Affairs, National Cemetery
Administration, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-5153

TDD Phone: 202 273-6697

RIN: 2900-AH46

**3108. ELIGIBILITY FOR BURIAL OF
DEPENDENT ADULT CHILDREN OF
ELIGIBLE VETERANS**

Priority: Other Significant

Legal Authority: 38 USC 2402(5)

CFR Citation: 38 CFR 1.620(c)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend regulations to specify that the eligibility of veterans' adult children for burial in a national cemetery is only for those who have become permanently incapable of self support before attaining the age of 21 years due to a physical or mental disability. Current regulations do not clearly express this requirement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Agency Contact: Karen Barber,
Program Analyst (402B1), Department
of Veterans Affairs, National Cemetery
Administration, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-5153
TDD Phone: 202 273-6697

RIN: 2900-AI95

**3109. USE OF THE SECRETARY'S
AUTHORITY AS PROVIDED BY 38
U.S.C. 2402(6)**

Priority: Other Significant

Legal Authority: 38 USC 2402(6)

CFR Citation: 38 CFR 1.620(d)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is issuing a proposed rule to define individuals and groups of individuals, who are otherwise not eligible for burial in a VA national cemetery, that would be considered under the Secretary's authority in 38 U.S.C. 2402(6). These new regulations establish a consistent basis for VA to determine those individuals or groups of individuals that VA may consider for eligibility under 38 U.S.C. 2402(6).

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen Barber,
Program Analyst (402B1), Department
of Veterans Affairs, National Cemetery
Administration, 810 Vermont Avenue
NW, Washington, DC 20420
Phone: 202 273-5153
TDD Phone: 202 273-6697

RIN: 2900-AJ48

OFFICE OF POLICY AND PLANNING

**3110. AUDITS OF STATES, LOCAL
GOVERNMENTS, AND NONPROFIT
ORGANIZATIONS; GRANTS AND
AGREEMENTS WITH INSTITUTIONS
OF HIGHER EDUCATION, HOSPITALS,
AND OTHER NONPROFIT
ORGANIZATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 75; 38 USC
501; PL 98-502

CFR Citation: 38 CFR 41; 38 CFR 49

Legal Deadline: None

Abstract: This document proposes to amend part 41 of VA's regulations to add new subparts to codify revised OMB Circular A-133. The Circular provides standards for consistency and uniformity among Federal agencies for the audits of States, local governments, and nonprofit organizations expending Federal awards. Further, this amendment proposes to add a new part 49 to VA's regulations to bring VA in step with other Federal agencies who have already adopted OMB Circular A-110 as a common rule. The Circular provides for uniform administrative requirements for Federal agencies with grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/01	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Governmental
Jurisdictions, Organizations

VA

Proposed Rule Stage

Government Levels Affected: State, Local
Agency Contact: David Walton, Office of Policy and Planning (008),

Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-5061

RIN: 2900-AJ62

DEPARTMENT OF VETERANS AFFAIRS (VA)

Final Rule Stage

VETERANS HEALTH ADMINISTRATION

3111. PROVISION OF DRUGS AND MEDICINES PRESCRIBED BY NON-VA PHYSICIANS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.96

Legal Deadline: None

Abstract: This document amends the "Medical" regulations concerning the criteria for provision of drugs and medicines by non-VA physicians for certain veterans. It is our view that the statutory framework inherently requires that the drugs provided be suitable; i.e., FDA-approved, high quality, and best value. In this regard, we have established a list of suitable drugs and medicines in the VA national formulary. Also, we have established a mechanism for allowing the provision of drugs and medicines not listed in the formulary. These changes are needed to ensure that VA provides only those drugs and medicines intended to be provided under the statutory authority. Also, this document makes nonsubstantive changes for the purpose of avoiding unnecessary duplication.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jeff Ramirez, Pharmacy Service (119), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-8428

RIN: 2900-AJ24

3112. ADVANCED HEALTH CARE PLANNING

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.32

Legal Deadline: None

Abstract: This document amends the VA medical regulations to codify VA policy regarding advance health care planning. The rule sets forth a mechanism for the use of written advance directives; i.e., a VA living will, a VA durable power of attorney for health care, and a State-authorized advance directive. The rule also sets forth a mechanism for honoring verbal or nonverbal instructions from a patient when the patient is admitted to care when critically ill and loss of capacity may be imminent and the patient is not physically able to sign an advance directive form or the appropriate form is not readily available. This is intended to help ensure that VA acts in compliance with patients' wishes concerning future health care.

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58677
NPRM Comment Period End	01/04/99	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ellen Fox M.D., Director, National Center for Ethics (10AE), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-6926

RIN: 2900-AJ28

3113. PROVISION OF DRUGS AND MEDICINES TO CERTAIN VETERANS IN STATE NURSING HOMES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.96

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs medical regulations concerning the provision of drugs and medicines prescribed by non-VA physicians for certain veterans who are permanently housebound or in need of regular aid and attendance. The regulations are amended to allow prescriptions to be filled by non-VA pharmacies in State homes under contract with VA for filling prescriptions for patients in State homes. This is consistent with VA's special relationship with State homes. It will eliminate duplication in services and will help improve timeliness for filling prescriptions in State homes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/98	63 FR 37779
Interim Final Rule Effective	07/14/98	
Interim Final Rule Comment Period End	09/14/98	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeff Ramirez, Pharmacy Service (119), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
 Phone: 202 273-8428

RIN: 2900-AJ34

VA

Final Rule Stage

3114. PER DIEM FOR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1741; 38 USC 1742; 38 USC 1743**CFR Citation:** 38 CFR 51; 38 CFR 52; 38 CFR 58**Legal Deadline:** None

Abstract: This document proposes to establish a new part 52 setting forth a mechanism for paying per diem to State homes providing adult day health care to eligible veterans. The intended effect of the proposed regulations is to ensure that veterans receive high quality care in State homes.

Timetable:

Action	Date	FR Cite
NPRM	06/28/00	65 FR 39835
NPRM Comment Period End	08/28/00	
Final Action	08/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State

Agency Contact: L. Nan Stout, Chief, State Home Per Diem Program (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8538
Email: nan.stout@mail.va.gov

RIN: 2900-AJ74**3115. REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to a veteran: For a non-service-connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health plan contract; for a non-service-connected disability incurred incident to the veteran's employment and covered under a worker's compensation

law or plan that provides reimbursement or indemnification for such care and services; or for a non-service-connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance. This document also amends the regulations to update data bases and other provisions for the purpose of providing more precise charges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/00	65 FR 65906
Interim Final Rule Comment Period End	01/02/01	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8210
Fax: 202 273-6485

RIN: 2900-AK39**3116. • DELEGATION OF AUTHORITY—LOAN GUARANTY FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501(a); 38 USC 512; 38 USC 3772**CFR Citation:** 38 CFR 17.1000-1010**Legal Deadline:** None

Abstract: The Department of Veterans Affairs will be amending its medical regulations by delegating to the Under Secretary for Health authority to make final agency decisions regarding the pilot program for guaranteed loans for multifamily transitional housing projects for homeless veterans. It will also authorize a limited redelegation of the authority to execute documents.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Theresa Hayes, Program Manager (116E), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8445

RIN: 2900-AK51**3117. • PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; PL 104-262**CFR Citation:** 38 CFR 17.36**Legal Deadline:** None

Abstract: This document amends VA medical regulations to announce that VA will enroll all seven priority categories of veterans for the period October 1, 2000, through September 30, 2001, unless it is necessary to change this determination by a subsequent rulemaking document.

Timetable:

Action	Date	FR Cite
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Walter Besecker, Director, Policy and Forecasting Service (105D), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8934

RIN: 2900-AK53**3118. • MEDICAL BENEFITS PACKAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1701(10); 38 USC 1710B(a)(5); PL 106-117**CFR Citation:** 38 CFR 17.36; 38 CFR 17.38**Legal Deadline:** None

Abstract: This document amends VA's medical regulations to add the following to the medical benefits package: Noninstitutional adult day health care, noninstitutional geriatric evaluation, and noninstitutional respite care. This implements statutory provisions of the Veterans Millennium Health Care and Benefits Act.

VA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	06/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Marsha Goodwin, Geriatrics and Extended Care (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8540

RIN: 2900-AK55**3119. • REASONABLE CHARGES FOR MEDICAL CARE OR SERVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721; 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None

Abstract: This document amends VA's medical regulations concerning "reasonable charges" for medical care or services provided or furnished by VA to a veteran.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: David Cleaver, VHA Revenue Office (174), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8210
Fax: 202 273-6485

RIN: 2900-AK73**VETERANS BENEFITS ADMINISTRATION****3120. LOAN GUARANTY: TITLE EVIDENCE REQUIREMENTS AND OCCUPANCY REQUIREMENTS FOR CONVEYANCE OF PROPERTIES TO VA****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 3703(c)(1); 38 USC 3720**CFR Citation:** 38 CFR 36.4320**Legal Deadline:** None

Abstract: Present regulations give loan holders a choice of various forms of title evidence when conveying a property to the Secretary of Veterans Affairs. The regulations will be amended to authorize the Secretary to specify the title documentation necessary for conveyance of properties to the Secretary and establish a date by which such title evidence must be received.

Timetable:

Action	Date	FR Cite
NPRM	08/06/90	55 FR 31847
NPRM Comment Period End	10/05/90	
NPRM Comment Period Extended	10/05/90	55 FR 35325
Final Action	06/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7380

RIN: 2900-AE20**3121. ACCEPTANCE OF PARTIAL PAYMENTS; INDEMNIFICATION OF DEFAULT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 3703; 38 USC 3732**CFR Citation:** 38 CFR 4202; 38 CFR 4275; 38 CFR 4301; 38 CFR 4315; 38 CFR 4323**Legal Deadline:** None

Abstract: Public Law 101-237, the Veterans Home Loan Indemnity and Restructuring Act of 1989, amended 38 U.S.C. 3732(a) to require holders of VA-guaranteed loans that are in default to notify VA if they refuse a partial payment of the amount owed when submitted by the veteran borrower. Notification may include a statement as to the circumstances of the default and the reason for the holder's refusal; these regulations will also set out the changed requirements with regard to establishing a veteran's liability to the

Government in the event of foreclosure of a VA-guaranteed loan. In the past, veterans were liable if their VA loan foreclosed. Public Law 101-257 liability will only be established in the event of fraud, misrepresentation, or bad faith.

Timetable:

Action	Date	FR Cite
NPRM	03/02/94	59 FR 9944
NPRM Comment Period End	05/02/94	
Final Action	06/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7380

RIN: 2900-AE60**3122. SCHEDULE FOR RATING DISABILITIES—THE SKIN****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.118**Legal Deadline:** None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate skin conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20171
ANPRM Comment Period End	07/01/91	
NPRM	01/19/93	58 FR 4969
NPRM Comment Period End	03/22/93	
Final Action	10/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

VA

Final Rule Stage

Phone: 202 272-7211

RIN: 2900-AF00

3123. AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 102-568

CFR Citation: 38 CFR 21.40; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523; 38 CFR 21.260; 38 CFR 21.6005; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6052; 38 CFR 21.6054; 38 CFR 21.6056; 38 CFR 21.6058; ...

Legal Deadline: None

Abstract: The Veterans' Benefits Act of 1992 extended the termination date for the program of vocational training for certain pensioners through December 31, 1995, and made permanent the programs protecting health care benefits for pensioners who lose their benefits due to income from work or training and the special counseling and employment services program for veterans with total disability ratings because of individual unemployability. In addition, the law authorizes a 10 percent increase in subsistence allowance for participants in the vocational rehabilitation program and extends eligibility for vocational rehabilitation to veterans with service-connected disability of 10 percent under certain conditions. The change also includes revisions to implement regulatory reform.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: David James, Counseling Psychologist (281), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7438
TDD Phone: 202 275-5636

RIN: 2900-AG00

3124. REVISED DEFINITION OF NET VALUE AND REVISED CRITERIA FOR PRE-FORECLOSURE DEBT WAIVERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 3720(a); 38 USC 3732(a)**CFR Citation:** 38 CFR 36.4301; 38 CFR 36.4323**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is proposing to amend its loan guaranty regulations to revise the definition of property improvements for purposes of determining the net value of a foreclosed property and to clarify VA's position on pre-foreclosure debt waivers for liable veterans in cases involving transferee defaults. These changes will account for actual property appraisal procedures and will clarify Agency policy on preforeclosure debt waivers. Note: Because the original Notice of Proposed Rulemaking (NPRM) was published on September 22, 1993 (58 FR 49251), VA will republish the NPRM to provide for a new notice and comment period before proceeding with a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/22/93	58 FR 49251
NPRM Comment Period End	10/22/93	
Second NPRM	08/01/00	65 FR 46882
Second NPRM Comment Period End	10/02/00	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7380

RIN: 2900-AG20

3125. VISION**Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.75**Legal Deadline:** None

Abstract: This action will amend the vision portion of the rating schedule to provide current medical terminology,

clarify ambiguous evaluation criteria, and add medical conditions not presently in the rating schedule.

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	08/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 272-7211

RIN: 2900-AH43

3126. INTERVERTEBRAL DISC SYNDROME**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None

Abstract: This action ensures that veterans diagnosed with intervertebral disc syndrome meet uniform criteria and receive consistent evaluations.

Timetable:

Action	Date	FR Cite
NPRM	02/24/97	62 FR 8204
NPRM Comment Period End	04/25/97	
Final Action	08/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 272-7211

RIN: 2900-AI22

3127. CLAIMS BASED ON AGGRAVATION OF NONSERVICE-CONNECTED DISABILITY**Priority:** Other Significant**Legal Authority:** 38 USC 501(a)

VA

Final Rule Stage

CFR Citation: 38 CFR 3.310**Legal Deadline:** None

Abstract: This document amends VA regulations concerning secondary service connection for certain disabilities. This amendment is necessary because of a recent decision by the U.S. Court of Veterans Appeals and will establish a new means by which veterans may be compensated for disabilities related to other service-connected conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AI42

3128. VETERANS EDUCATION: REPORTING AND RECORDKEEPING REQUIREMENTS AT FLIGHT SCHOOLS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 16136; 38 USC 3002; 38 USC 3034; 38 USC 3202; 38 USC 3241; 38 USC 3452; 38 USC 3471; 38 USC 5101

CFR Citation: 38 CFR 21.4235; 38 CFR 21.4263

Legal Deadline: None

Abstract: Veterans are required by statute to apply for any benefit the Department of Veterans Affairs administers. This proposal will describe the information to be included in an application for educational assistance for the pursuit of flight training. VA believes that, in order to comply with various statutory requirements connected with the educational programs VA administers, flight schools with courses approved for VA training will have to keep some records beyond those required by the Federal Aviation Administration. This

proposal will state those recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/03/00	65 FR 17477
NPRM Comment Period End	06/02/00	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7187
Fax: 202 275-2636
Email: edubsusl@vba.va.gov

RIN: 2900-AJ23

3129. EXCLUSIONS FROM INCOME

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 10602(c)

CFR Citation: 38 CFR 3.261; 38 CFR 3.262; 38 CFR 3.272

Legal Deadline: None

Abstract: To exclude from countable income for VA purposes amounts received under the Victims of Crime Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AJ52

3130. CERTIFICATION EVIDENCE FOR PROOF OF SERVICE

Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 3.203**Legal Deadline:** None

Abstract: To allow the claimants' representatives to certify photocopies as proof of service.

Timetable:

Action	Date	FR Cite
NPRM	06/27/00	65 FR 39580
NPRM Comment Period End	08/28/00	
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Fax: 202 275-1728
Email: capbruss@vba.va.gov

RIN: 2900-AJ55

3131. ACCELERATED BENEFITS OPTION FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Priority: Substantive, Nonsignificant**Legal Authority:** PL 105-368, sec 302**CFR Citation:** 38 CFR 9.13**Legal Deadline:** None

Abstract: Section 302 of the Veterans Program Enhancement Act of 1998 (Pub. L. 105-368) authorizes the payment of accelerated benefits in the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs, effective February 9, 1999. This rule amends Department of Veterans Affairs (VA) regulations by providing an accelerated benefit option that will permit terminally ill members access to life insurance benefits before they die.

Timetable:

Action	Date	FR Cite
NPRM	07/20/00	65 FR 44999
NPRM Comment Period End	08/18/00	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

VA

Final Rule Stage

Agency Contact: Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 13399, Philadelphia, PA 19101

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Email: issghosm@vba.va.gov

RIN: 2900-AJ80

3132. LOAN GUARANTY: ADVERTISING AND SOLICITATION DISCLOSURE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 36.4227; 38 CFR 36.4365

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is proposing to change its regulations by prohibiting advertisements or solicitations from lenders that falsely state or imply that they were issued by or at the direction of VA or any other entity of the United States. This change would also provide that each written advertisement or solicitation from a private lender concerning VA-guaranteed loans include a statement indicating that the lender is a private lender and that the lender does not have an exclusive right to make loans guaranteed by VA. These provisions appear to be necessary to ensure that lenders do not provide misleading information.

Timetable:

Action	Date	FR Cite
NPRM	12/08/00	65 FR 76957
NPRM Comment Period End	02/06/01	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7369
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RIN: 2900-AJ86

3133. REVIEW OF BENEFIT CLAIMS DECISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5109(a); 38 USC 7105(a)

CFR Citation: 38 CFR 3.105; 38 CFR 3.2100; 38 CFR 3.2600

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations concerning the revision of decisions that are not clearly and unmistakably erroneous. This rulemaking authorizes designated personnel at VA regional offices to review certain adjudicated claims and, if warranted, grant a benefit sought by the claimant.

Timetable:

Action	Date	FR Cite
NPRM	02/18/00	65 FR 8329
NPRM Comment Period End	04/18/00	
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AJ99

3134. POST-TRAUMATIC STRESS DISORDER CLAIMS BASED ON PERSONAL ASSAULT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1154

CFR Citation: 38 CFR 3.304

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) adjudication regulations on the proof of stressor in claims for service connection of post-traumatic stress disorder resulting from personal assault. It provides that alternative evidence other than the veteran's military records may constitute credible supporting evidence of the stressor. It also implements decisions by the U.S.

Court of Appeals for Veterans Claims, which state that VA Adjudication Procedure Manual provisions on this issue are the equivalent of regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/16/00	65 FR 61132
NPRM Comment Period End	12/15/00	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK00

3135. REVISED DEFINITION OF A PROGRAM OF EDUCATION UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND OTHER MISCELLANEOUS ISSUES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3002; 38 USC 3011; 38 USC 3031

CFR Citation: 38 CFR 21.7020; 38 CFR 21.7050; 38 CFR 21.7131

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) will amend its educational assistance regulations to reflect statutory changes contained in the Veterans Millennium Health Care and Benefits Act of 1999. These changes set forth a revised definition of a program of education under the Montgomery GI Bill—Active Duty (MGIB) and new eligibility criteria that will allow additional individuals to establish eligibility for educational assistance under the MGIB.

Timetable:

Action	Date	FR Cite
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225),

VA

Final Rule Stage

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20420

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Email: edubsusl@vba.va.gov

RIN: 2900-AK06

3136. SIGNATURE BY MARK

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 5101

CFR Citation: 38 CFR 3; 38 CFR 3.113

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs adjudication regulation that explains how a claimant can use a mark or a thumbprint in place of a signature. This amendment is necessary to present the existing regulation in plain language and to remove an obsolete manual provision from VA's Adjudication Procedural Manual, M21-1.

Timetable:

Action	Date	FR Cite
NPRM	07/26/00	65 FR 45952
NPRM Comment Period End	09/25/00	
Final Action	06/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Bisset Jr., Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7213

RIN: 2900-AK07

3137. SCHEDULE FOR RATING DISABILITIES: DISABILITIES OF THE LIVER

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.114

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs Schedule for Rating Disabilities by revising the portion of the Digestive

System that addresses disabilities of the liver.

Timetable:

Action	Date	FR Cite
NPRM	08/07/00	65 FR 48205
NPRM Comment Period End	10/06/00	
Final Action	08/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Carol McBride, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 272-7211

RIN: 2900-AK12

3138. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 16131

CFR Citation: 38 CFR 21.7636

Legal Deadline: None

Abstract: By statute, the monthly rates of basic educational assistance payable to reservists under the Montgomery GI Bill—Selected Reserve must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Selected Reserve for fiscal year 2001 will be changed to show a 3.0 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	05/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK40

3139. VETERANS EDUCATION: INCREASED ALLOWANCE FOR THE EDUCATIONAL TEST PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2143; 10 USC 2144

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance test program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that the rates for the 2000-2001 academic year should be increased by 4 percent over the rates payable for the 1999-2000 academic year. The regulations dealing with these rate will be amended accordingly.

Timetable:

Action	Date	FR Cite
Final Action	05/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

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RIN: 2900-AK41

3140. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3015; 38 USC 3032

VA

Final Rule Stage

CFR Citation: 38 CFR 21.7136; 38 CFR 21.7137

Legal Deadline: None

Abstract: By statute, the monthly rate of basic educational assistance payable under the Montgomery GI Bill—Active Duty must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Active Duty for fiscal year 2001 will be changed to show a 3 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK44

3141. END OF THE SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1143

CFR Citation: 38 CFR 21.4131; 38 CFR 21.4135; 38 CFR 21.4800; 38 CFR 21.4802; 38 CFR 21.4810; ...

Legal Deadline: None

Abstract: Veterans are no longer training under the Service Members Occupational Conversion and Training Program. The program has not been funded. Regulations governing the program are obsolete and will be rescinded.

Timetable:

Action	Date	FR Cite
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Additional CFR Citations: 38 CFR 21.4812; 38 CFR 21.4820; 38 CFR 21.4822; 38 CFR 21.4823

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK45

3142. VETERANS VOCATIONAL REHABILITATION AND EDUCATION: TITLE CHANGE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 512

CFR Citation: 38 CFR 21.50; 38 CFR 21.53; 38 CFR 21.60; 38 CFR 21.68; 38 CFR 21.4250; ...

Legal Deadline: None

Abstract: VA administers a vocational rehabilitation program that provides eligible veterans, with compensable service-connected disabilities, all service and assistance necessary to enable them to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. Due to an increased emphasis on helping these veterans obtain and maintain suitable employment, VA has decided to change the title of those employees who deal principally with this program. All appropriate rules will be changed to show that these employees deal with vocational rehabilitation and employment.

Timetable:

Action	Date	FR Cite
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Additional CFR Citations: 38 CFR 21.74; 38 CFR 21.98; 38 CFR 21.100; 38 CFR 21.155

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225),

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RIN: 2900-AK46

3143. • DISEASE ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS: TYPE 2 DIABETES MELLITUS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 102-4; 38 USC 501(a); 38 USC 1116

CFR Citation: 38 CFR 3.309(e)

Legal Deadline: NPRM, Statutory, January 8, 2001, See Agent Orange Act of 1991.

Abstract: The Department of Veterans Affairs is proposing to amend its adjudication regulations concerning presumptive service connection for certain diseases for which there is no record during service. This proposed amendment is necessary to implement a decision of the Secretary of Veterans Affairs, under the authority granted by the Agent Orange Act of 1991, that there is a positive association between exposure to herbicides used in the Republic of Vietnam during the Vietnam era and the subsequent development of Type 2 diabetes. The intended effect of this proposed amendment is to establish presumptive service connection for that condition based on herbicide exposure.

Timetable:

Action	Date	FR Cite
NPRM	01/11/01	66 FR 2376
NPRM Comment Period End	03/12/01	
Final Action	06/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Bill Russo, Attorney-Advisor, Compensation and Pension (211), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK63

VA

Final Rule Stage

3144. • VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2000**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1114(j); 38 USC 5503(f)**CFR Citation:** 38 CFR 3.6; 38 CFR 3.353; 38 CFR 3.557; 38 CFR 3.558; 38 CFR 3.1604**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations concerning the definition of the term "active military, naval, or air service," the payment limitation based on the value of an incompetent veteran's estate, the plot allowance for certain individuals buried in State veterans' cemeteries, and the limitation on pension for certain recipients of Medicaid-covered nursing home care. This amendment is necessary to implement statutory changes contained in the Veterans Benefits and Health Care Improvement Act of 2000.

Timetable:

Action	Date	FR Cite
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK68**3145. • DELEGATION OF AUTHORITY—PORTFOLIO LOAN SERVICING CONTRACTOR****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 36.4342**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its regulations to delegate to certain officers, of the entity performing loan servicing functions under a contract with the Secretary of Veterans Affairs, authority to execute

all documents necessary for the servicing and termination of a loan made or acquired by the Secretary.

Timetable:

Action	Date	FR Cite
Final Action	08/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK72**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3146. SEALED BIDDING AND COMPETITIVE PROPOSALS****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 806**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its Acquisition Regulations. Section 806.401 is amended to remove material which conflicts with the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/11/98	63 FR 11865
NPRM Comment Period End	05/11/98	
Final Action	10/00/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management,

810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

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RIN: 2900-AI99**3147. • VETERANS AFFAIRS ACQUISITION REGULATION: REVISIONS TO VA ACQUISITION REGULATIONS PARTS 801 THROUGH 805****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 801 to 805; 48 CFR 842; 48 CFR 849; 48 CFR 852**Legal Deadline:** None

Abstract: This rulemaking action would amend the Department of Veterans Affairs Acquisition Regulation to update position titles, to make minor grammatical corrections and revisions, to revise and update section numbers and titles and to relocate material to correspond to the Federal Acquisition Regulation, to remove obsolete or duplicative material, to make plain language revisions, and to delegate authority. In addition, the rule would update material regarding various internal VA administrative programs such as the VA's acquisition review, contracting officer's certification, and head of the contracting activity programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
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RIN: 2900-AK75

VA

Final Rule Stage

BOARD OF VETERANS APPEALS

3148. BOARD OF VETERANS APPEALS—RULES OF PRACTICE—ATTORNEY FEE MATTERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5902; 38 USC 5904; 38 USC 5905**CFR Citation:** 38 CFR 20.3; 38 CFR 20.609; 38 CFR 20.610**Legal Deadline:** None

Abstract: The Board of Veterans Appeals is amending its rules of practice to end the practice of paying attorney fees from past-due benefits, establish safeguards in case of “disinterested third-party” payees who are individuals, and simplify certain notice procedures. These changes are necessary to permit VA to focus on activities more directly benefiting veterans and their families, i.e., deciding claims and coordinating benefit payments to veterans and their families, and to clarify the situations in which third parties may pay a claimants’ legal fees.

Timetable:

Action	Date	FR Cite
NPRM	12/09/97	62 FR 64790
NPRM Comment Period End	02/09/98	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AI98**3149. BOARD OF VETERANS APPEALS: RULES OF PRACTICE—SUBPOENAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 5711; 38 USC 5713; 38 USC 7102(a)**CFR Citation:** 38 CFR 20.711**Legal Deadline:** None

Abstract: VA has the authority to issue subpoenas to compel the attendance of witnesses and/or the production of

evidence. This authority has been delegated to Members of the Board through Rule of Practice 711 (38 CFR 20.711), which also sets forth the relevant procedures and generally provides that subpoenas will be issued pursuant to a motion filed with the Board, which is in turn decided by a Board Member or panel of Members.

Timetable:

Action	Date	FR Cite
NPRM	02/15/00	65 FR 7468
NPRM Comment Period End	04/17/00	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AJ58**3150. DELEGATIONS OF AUTHORITY—APPEALS REGULATIONS AND RULES OF PRACTICE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501(a); 38 USC 512; 38 USC 7101(a); 38 USC 7102; 38 USC 7104**CFR Citation:** 38 CFR 19.2; 38 CFR 19.14; 38 CFR 20.102; 38 CFR 20.606(d)**Legal Deadline:** None

Abstract: The Board of Veterans Appeals is amending its Appeals Regulation and Rules of Practice to update the delegations of authority to Members of the Board and to include the definition of “Chief Members” to whom some authority is delegated.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AJ66**3151. NOTICE OF APPEAL IN SIMULTANEOUSLY CONTESTED CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 19.192; 38 CFR 20.502**Legal Deadline:** None

Abstract: The Board of Veterans Appeals is amending its Appeals Regulation and a Rule of Practice concerning simultaneously contested claims to make them more consistent with an authorizing statute and with each other. The statutory provision is currently implemented in two regulations. 38 U.S.C. 7105A(b) provides that when one contesting party files his or her “formal appeal” the “substance” of the formal appeal will be communicated to the other contesting parties who then have 30 days to file an answering brief or argument.

Timetable:

Action	Date	FR Cite
NPRM	10/01/99	64 FR 53302
NPRM Comment Period End	11/30/99	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AJ73**3152. NOTIFICATION OF REPRESENTATIVES IN CONNECTION WITH MOTIONS FOR REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 7104(d); 38 USC 7111**CFR Citation:** 38 CFR 20.1405**Legal Deadline:** None

Abstract: The Board of Veterans Appeals is amending its Rules of Practice at 38 CFR part 20 to add procedures for notifying representatives when parties file motions to challenge final Board decisions on the grounds

VA

Final Rule Stage

of “clear and unmistakable error” (CUE). The change is required to help assure that veterans have the benefit of representation in connection with CUE motions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/12/99	64 FR 7090
Interim Final Rule Effective	02/12/99	
Interim Final Rule Comment Period End	03/15/99	
Final Action	10/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AJ75

3153. THE BOARD OF VETERANS APPEAL; RULES OF PRACTICE—MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR: CONTENT OF RECORD; ADVANCEMENT ON THE DOCKET

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7104(d); 38 USC 7111

CFR Citation: 38 CFR 20.1403; 38 CFR 20.1405(a); 38 CFR 20.1405(b)

Legal Deadline: None

Abstract: The Board of Veterans Appeals is amending its Rules of Practice at 38 CFR part 20 to add procedures which would (1) eliminate a provision relating to “constructive notice” as to the record to be reviewed in connection with challenges to Board decisions on the grounds of clear and unmistakable error (CUE) and (2) add a provision to provide for advancing CUE motions on the docket.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C),

Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AJ85

3154. APPEAL REGULATIONS, RULES OF PRACTICE: USE OF SUPPLEMENTAL STATEMENT OF THE CASE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7105(d)

CFR Citation: 38 CFR 19.31; 38 CFR 20.302(c); 38 CFR 20.501(c)

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its appeals regulations and Rules of Practice to clarify that a “Supplemental Statement of the Case” (SSOC) is to be used only to inform an appellant of material changes in, or additions to, the information included in the Statement of the Case (SOC) or a prior SSOC. The prior rule permitted new issues to be added to the SOC, resulting in confusion for appellants, regional offices, and the Board as to what issues were actually on appeal. Since 1966, the manual provisions governing the regional office have prohibited using an SSOC to reply to new issues. This rule will conform the Board's rules with agency practice.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AK33

3155. • RULES OF PRACTICE: MEDICAL OPINIONS FROM THE VETERANS HEALTH ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 5107(a)

CFR Citation: 38 CFR 20.901(a)

Legal Deadline: None

Abstract: The Board of Veterans' Appeals (Board) is amending its appeals regulations to clarify that it may obtain medical opinions from VA's Veterans Health Administration (VHA). The current rule, 38 CFR 20.901(a), makes an obsolete reference to the “Chief Medical Director,” a title eliminated in 1992 and replaced by “Under Secretary for Health.” The revised rule would clarify that the Board may obtain opinions from VHA, not from the individual who happens to be the Under Secretary for Health.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 565-5978

RIN: 2900-AK52

3156. • BOARD OF VETERANS APPEALS: RULES OF PRACTICE—TIME FOR FILING SUBSTANTIVE APPEAL

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7105(b)(1) and (d)(3)

CFR Citation: 38 CFR 20.302(b); 38 CFR 30.304

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its appeals regulations relating to the time limit for filing a substantive appeal. It supplements an opinion by VA's General Counsel that, in some cases, when a claimant files additional evidence, the deadline for filing a “substantive appeal” may be extended.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C),

VA

Final Rule Stage

Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AK54

3157. • BOARD OF VETERANS APPEALS: RULES OF PRACTICE—EFFECT OF PROCEDURAL DEFECTS IN MOTIONS FOR REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7111; PL 105-111

CFR Citation: 38 CFR 20.1404(b); 38 CFR 20.1409(b)

Legal Deadline: None

Abstract: The Board of Veterans Appeals is amending its Rules of Practice regulations to provide that, when a motion to revise a Board decision on the grounds of clear and unmistakable error fails to provide specific allegations of error, the Board will dismiss the motion without prejudice to refile. This amendment is made necessary by a decision of the United States Court of Appeals for the Federal Circuit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AK74

NATIONAL CEMETERY SYSTEM

3158. INTERMENT OR MEMORIALIZATION IN VA NATIONAL CEMETERIES AND CERTAIN STATE CEMETERIES—FEDERAL OR STATE CAPITAL CRIME

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 2411; PL 105-116

CFR Citation: 38 CFR 1; 38 CFR 39

Legal Deadline: None

Abstract: Public Law No. 105-116, 111 Stat. 2381 (codified at 38 U.S.C. 2411), provides that, under certain circumstances, the remains of certain persons who committed Federal or State capital crimes may not be interred in a VA national cemetery and the memory of such persons may not be memorialized in a VA national cemetery. These statutory provisions also impose conditions on the receipt by a State of a VA grant to the State for veteran's cemetery regarding such interments or memorializations.

Timetable:

Action	Date	FR Cite
NPRM	07/21/00	65 FR 45332
NPRM Comment Period End	09/19/00	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Karen Barber, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5153
TDD Phone: 202 273-6697

RIN: 2900-AJ77

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

3159. DELEGATION OF AUTHORITY—DECISIONMAKING REGARDING DISCRIMINATION

Priority: Info./Admin./Other

Legal Authority: 5 USC 553

CFR Citation: 38 CFR 2

Legal Deadline: None

Abstract: This document delegates to certain Department of Veterans Affairs officials authority to make final Agency decisions regarding the procedural acceptability of equal employment opportunity discrimination complaints. It also delegates authority to those officials to make final Agency decisions which determine whether a breach of an equal employment opportunity complaint settlement agreement has occurred.

Timetable:

Action	Date	FR Cite
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James S. Jones, Deputy Assistant Secretary for Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 501-2800
Email: james.s.jones@mail.va.gov

RIN: 2900-AJ63

3160. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; HANDICAP; AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 794; 42 USC 2000d-1; 42 USC 6101

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: The Department of Justice, pursuant to Executive Order 12250, is requesting that Federal agencies with title VI, section 504, and Age Discrimination Act regulations jointly issue amendments to their regulations to incorporate the Civil Rights Restoration Act of 1987 revisions.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tyrone Eddins, External Affairs Manager, Office of Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 501-2801
Fax: 202 501-2885

RIN: 2900-AK13

VA

Final Rule Stage

OFFICE OF THE GENERAL COUNSEL

3161. RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS**Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 38 USC 5701**CFR Citation:** 38 CFR 1.500 to 1.584**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs regulations governing the confidentiality and release of VA records subject to the Privacy Act, 5 U.S.C. 552a, the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the veterans' records confidentiality statute (section 5701), 38 U.S.C. 5701. The amendments will implement court decisions and executive branch guidance issued since the regulations were originally published. The amendment is part of the Administration's effort to simplify, clarify, and modernize Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/10/98	63 FR 48455
NPRM Comment Period End	11/09/98	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Lorraine M. Johnson, Deputy Assistant General Counsel (024A), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6381

RIN: 2900-AH98**3162. RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF REPRESENTATIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 38 USC 501(a); 38 USC 5901 to 5905**CFR Citation:** 38 CFR 14.626 to 14.635**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to revise and clarify existing procedures and requirements regarding certification or recognition of service organizations and their representatives and other individuals, agents, and attorneys representing claimants for benefits administered by VA. The revisions are designed to improve VA's ability to assure high quality representation of claimants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/98	63 FR 59495
NPRM Comment Period End	01/04/99	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State

Agency Contact: Richard J. Hipolit, Deputy Assistant General Counsel (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6329

RIN: 2900-AI93

DEPARTMENT OF VETERANS AFFAIRS (VA)

Long-Term Actions

VETERANS HEALTH ADMINISTRATION

3163. PROTECTION OF HUMAN SUBJECTS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 16**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

Agency Contact: Judy Williams
Phone: 202 273-8284

RIN: 2900-AJ08

VETERANS BENEFITS ADMINISTRATION

3164. SCHEDULE FOR RATING DISABILITIES: GLOBAL ASSESSMENT OF FUNCTIONING SCALE IN THE EVALUATION OF MENTAL DISORDERS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 4.125**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Carroll McBrine
Phone: 202 272-7211

RIN: 2900-AJ84**3165. LOAN GUARANTY: REVISION TO VA WORK RULES FOR CREDIT SCORED LOANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4346; 38 CFR 3702(c)(1)**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Richard Fyne
Phone: 202 273-7380

RIN: 2900-AJ91**3166. LOAN GUARANTY: CREDIT STANDARDS REVISION****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4337**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

VA

Long-Term Actions

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Robert Finneran

Phone: 202 273-7369

Fax: 202 273-3523

Email: lgyrfinn@vba.va.gov

RIN: 2900-AJ92**BOARD OF VETERANS APPEALS****3167. APPEALS REGULATIONS;
RULES OF PRACTICE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 19.3 (Revision); 38 CFR 20.609 (Revision); 38 CFR 20.903 (Revision); 38 CFR 20.1000; 38 CFR 20.1001; 38 CFR 20.1002; 38 CFR 20.1100 (Revision); 38 CFR 19.10; 38 CFR 19.15 (Revision); 38 CFR 19.39; 38 CFR 20.3; 38 CFR 20.101 (Revision); 38 CFR 20.102 (Revision); 38 CFR 20.201 (Revision); 38 CFR 20.605 (Revision); ...**Timetable:**

Action	Date	FR Cite
NPRM	02/03/92	57 FR 4131
NPRM Comment Period End	03/04/92	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AE78**3168. RULES OF PRACTICE;
HEARINGS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 20.702; 38 CFR 2.1; 38 CFR 19.75; 38 CFR 20.703; 38 CFR 20.704; 38 CFR 20.707; 38 CFR 20.711; 38 CFR 20.714; 38 CFR 20.716; 38 CFR 20.717; 38 CFR 20.1003**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

Agency Contact: Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AG07**3169. RULES OF PRACTICE: MEDICAL
OPINIONS; APPEAL PROCESSING
AND SUBMISSION OF ADDITIONAL
EVIDENCE****Priority:** Other Significant**CFR Citation:** 38 CFR 19.36; 38 CFR 20.800; 38 CFR 20.801; 38 CFR 20.802; 38 CFR 20.901; 38 CFR 20.1304**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller

Phone: 202 565-5978

RIN: 2900-AG90**OFFICE OF THE ASSISTANT
SECRETARY FOR ACQUISITION AND
FACILITIES****3170. OPERATION OF CHILD CARE
CENTERS AT VA FACILITIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17**Timetable:**

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53078
NPRM Comment Period End	01/26/90	
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Renee Bruce

Phone: 410 605-7388

RIN: 2900-AD48**DEPARTMENT OF VETERANS AFFAIRS (VA)****Completed Actions****3171. EXEMPTION FROM PHARMACY
COPAY****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.96**Completed:**

Reason	Date	FR Cite
Withdrawn	02/07/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Richard E. Rhoades

Phone: 202 273-8205

RIN: 2900-AJ12**3172. PROVISION OF AIDS TO THE
BLIND****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.810**Completed:**

Reason	Date	FR Cite
Withdrawn	02/14/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Frederick Downs

Phone: 202 273-8515

RIN: 2900-AJ22**3173. AIDS FOR THE BLIND****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17; 37 CFR 17.154**Completed:**

Reason	Date	FR Cite
Withdrawn	02/14/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Don Garner

Phone: 202 273-8481

Rose Mary McMahon

Phone: 202 273-8482

RIN: 2900-AJ83

VA

Completed Actions

3174. COPAYMENTS FOR MEDICATION**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.110**Completed:**

Reason	Date	FR Cite
Withdrawn	12/12/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Nancy Howard

Phone: 202 273-8198

Fax: 202 273-6485

RIN: 2900-AK28**3175. • VA PAYMENT FOR NON-VA PUBLIC OR PRIVATE HOSPITAL CARE AND NON-VA PHYSICIAN SERVICES THAT ARE ASSOCIATED WITH EITHER OUTPATIENT OR INPATIENT CARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 7121**CFR Citation:** 38 CFR 17.55; 38 CFR 17.56**Legal Deadline:** None**Abstract:** This document amends VA's medical regulations concerning VA payment for non-VA public or private hospital care provided to eligible VA beneficiaries.**Timetable:**

Action	Date	FR Cite
Final Action	11/07/00	65 FR 66636
Final Action Effective	11/07/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tony Guagliardo, Health Administration Service (10C3), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8307

RIN: 2900-AK57**3176. NEW CRITERIA FOR APPROVAL OF COURSES FOR EDUCATIONAL ASSISTANCE PROGRAMS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.4251; 38 CFR 21.4252; 38 CFR 21.4253; 38 CFR 21.7122; 38 CFR 21.7622**Completed:**

Reason	Date	FR Cite
Final Action	12/27/00	65 FR 81740
Final Action Effective	12/27/00	

Regulatory Flexibility Analysis Required: Yes**Government Levels Affected:** State**Agency Contact:** William G. Susling

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AI67**3177. USE OF FACILITIES TO PROVIDE TRAINING OR WORK EXPERIENCE FOR VETERANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.299**Completed:**

Reason	Date	FR Cite
Withdrawn	02/08/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Tribal**Agency Contact:** Charles A Graffam

Phone: 202 273-7437

RIN: 2900-AJ01**3178. WELL GROUNDED CLAIMS/DUTY TO ASSIST****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.159**Completed:**

Reason	Date	FR Cite
Withdrawn	02/26/01	66 FR 11549

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Janice Jacobs

Phone: 202 273-7211

RIN: 2900-AJ44**3179. REVISED CRITERIA FOR MONETARY ALLOWANCE FOR A CHILD BORN WITH SPINA BIFIDA WHO IS A CHILD OF A VIETNAM VETERAN****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.814**Completed:**

Reason	Date	FR Cite
Final Action	03/06/01	66 FR 13435
Final Action Effective	04/05/01	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Carroll McBrine

Phone: 202 272-7211

RIN: 2900-AJ51**3180. CLAIMS BASED ON EFFECT OF TOBACCO PRODUCTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.300; 38 CFR 3.310**Completed:**

Reason	Date	FR Cite
Final Action	04/06/01	66 FR 18195

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Bill Russo

Phone: 202 273-7211

Fax: 202 275-1728

Email: capbruss@vba.va.gov

RIN: 2900-AJ59**3181. MISCELLANEOUS MONTGOMERY GI BILL ELIGIBILITY AND ENTITLEMENT ISSUES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7073**Completed:**

Reason	Date	FR Cite
Final Action	11/09/00	65 FR 67265
Final Action Effective	11/09/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** William G. Susling

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AJ90

3182. • APPEALS REGULATIONS: TITLE FOR MEMBERS OF THE BOARD OF VETERANS APPEALS-RESCISSION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 512; 38 USC 7101(a)

CFR Citation: 38 CFR 19.2

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is rescinding its amendment to its appeals regulations, which provide that a Member of the Board may also be known as a "Veteran Law Judge." Although this amendment was properly published, we have decided to provide the public an opportunity to comment on this change. Concurrent with this rescission is the republication of the

former Federal Register document as a notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	03/06/01	66 FR 13437
Final Action Effective	03/06/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: See related amendment at 65 FR 55461 (September 14, 2000).

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AK61

3183. OUTER BURIAL RECEPTACLES

Priority: Other Significant

CFR Citation: 38 CFR 1.629

Completed:

Reason	Date	FR Cite
Final Action	12/08/00	65 FR 76937
Final Action Effective	12/08/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Kenneth Greenberg
Phone: 202 273-5179
TDD Phone: 202 271-6697

RIN: 2900-AJ49

[FR Doc. 01-6925 Filed 05-11-01; 8:45 am]

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